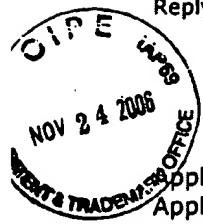


Application No.: 09/980,880  
Petition Dated: November 22, 2006  
Reply to Office Communication: September 22, 2006

MAT-8189US



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Apppln. No: 09/980,880  
Applicants: Yoshio GODA, et al.  
Filed: September 3, 2002  
Title: TOP SEALING PLATE, BATTERY USING THE TOP SEALING PLATE,  
AND METHOD OF MANUFACTURING THE BATTERY (AS AMENDED)  
TC/A.U.: 1745  
Examiner: Robert W. Hodge  
Confirmation No.: 1394  
Docket No.: MAT-8189US

**PETITION UNDER 37 C.F.R. §1.137 TO  
WITHDRAW HOLDING OF ABANDONMENT**

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Petition is being filed responsive to the Notice of Abandonment mailed  
**September 22, 2006.**

The Notice contends that:

Applicants requested a Pre-Appeal Conference but have failed to respond to the decision of the Pre-Appeal Panel.

Applicants' representative never received the decision of the Pre-Appeal Panel. Thus, Applicants' representative was not aware that a time period had started for filing an appeal brief.

The required practitioner's statement is enclosed.

Also enclosed is a copy of the docket record where the non-received office communication would have been entered had it been received and docketed. Filing of the appeal brief would have been docketed for April 15, 2006.

11/27/2006 MBELETE1 00000071 09980880

03 FC:1464

130.00 OP

Page 1 of 2

Adjustment date: 02/14/2007 CKHLOK  
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UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND												
1 Date of Request:	02/13/07	2 Serial/Patent #	09/980,880									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
<input type="checkbox"/>	Filing			\$								
<input type="checkbox"/>	Amendment			\$								
<input type="checkbox"/>	Extension of Time			\$								
<input type="checkbox"/>	Notice of Appeal/Appeal			\$								
<input checked="" type="checkbox"/>	Petition 1464		11/24/06	\$ 130.00								
<input type="checkbox"/>	Issue			\$								
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$								
<input type="checkbox"/>	Maintenance			\$								
<input type="checkbox"/>	Assignment			\$								
<input type="checkbox"/>	Other			\$								
		7 TOTAL AMOUNT OF REFUND	\$ 130.00									
8 TO BE REFUNDED BY:												
<input type="checkbox"/>	Treasury Check <i>CREDIT CARD</i>											
<input type="checkbox"/>	Credit Deposit A/C #:											
<input checked="" type="checkbox"/>	9 <table border="1" style="display: inline-table;"><tr><td></td><td></td><td></td><td>--</td><td></td><td></td><td></td><td></td></tr></table>							--				
			--									
10 REASON:												
<input type="checkbox"/>	Overpayment											
<input type="checkbox"/>	Duplicate Payment											
<input checked="" type="checkbox"/>	11 No Fee Due (Explanation):											
Petition due to PTO error, no fee due.												
12 REFUND REQUESTED BY:												
TYPED/PRINTED NAME:		Douglas I. Wood		TITLE: Senior Petitions Attorney								
SIGNATURE:		/douglas wood/		PHONE: 571-272-3231								
OFFICE:		Office of Petitions										
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****												
APPROVED:		<i>CRH/OK</i> DATE: <i>2/14/07</i>										

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B